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# Fax Cover Sheet

Date 10 Apr 2003

To: B. J. SADOFF	From: EVERETT WHITE
Application/Control Number: 09/881,735	Art Unit: 1623
Fax No.: 703-816-4100	Phone No.: 703-308-4621
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### **PROPOSED EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with B. J. Sadoff on April \_\_\_, 2003.

The application has been amended as follows:

Claims 8, 9, 15 and 16 have been amended as follows:

8. The starch extracted from a grain from a plant having a wild-type triploid endosperm genotype composed of 1 or 2 doses of a recessive mutant allele of a first gene and 1 or 2 doses of a recessive mutant allele of a second gene wherein said first and second genes are independently selected from the group of genes consisting of waxy, amylose extender, dull, horny, sugary, shrunken, brittle, floury and opaque; such that when said first gene and said second gene are not waxy, said wild-type triploid endosperm genotype is not homozygous recessive at the waxy gene, said starch having a genotype of  $wxwxWx/AeAeae$ .
9. The starch of Claim 8, having a genotype of  $Aeaeae/WxWxwx$ .
15. The starch extracted from the grain produced by a plant having a wild-type triploid endosperm genotype composed of 1 or 2 doses of a recessive mutant allele of a first gene and 1 or 2 doses of a recessive mutant allele of a second gene wherein said first and second genes are independently selected from the group of genes consisting of waxy, amylose extender, dull, horny, sugary, shrunken, brittle, floury and opaque; such that when said first gene and said second gene are not waxy, said wild-type triploid endosperm genotype is not

homozygous recessive at the waxy gene, wherein the grain has at least four doses of mutant and two doses of wild type, such that the genotype has wild type on each side.

16. The starch extracted from the grain produced by a plant having a wild-type triploid endosperm genotype composed of 1 or 2 doses of a recessive mutant allele of a first gene and 1 or 2 doses of a recessive mutant allele of a second gene wherein said first and second genes are independently selected from the group of genes consisting of waxy, amylose extender, dull, horny, sugary, shrunken, brittle, floury and opaque; such that when said first gene and said second gene are not waxy, said wild-type triploid endosperm genotype is not homozygous recessive at the waxy gene, wherein the grain has at least three doses of mutant and three doses of wild type, such that the genotype has mutation on each side.

Claims 1-7, 10-14 and 17-35 have been canceled.

***Proposed Reasons For Allowance***

The following is an examiner's statement of reasons for allowance: The primary reasons for allowance of the claims is that the extracted starch is obtained from a plant deemed to be patentable over the prior art as indicated in US Patent No. 6,274,792.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."